

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

ROSA ARANDA

PLAINTIFF,

VS.

NO.: PE-17-CV-50
JURY DEMANDED

**TESCO CORPORATION AND
JOSE MONTOYA PEREZ**

DEFENDANTS.

COMPLAINT FOR DAMAGES FOR PERSONAL INJURIES

Plaintiff states her claim for relief against Defendants as follows:

1. Plaintiff Rosa Aranda is a resident of the State of New Mexico.
2. Defendant Tesco Corporation is a Delaware corporation with its principal place of business located at 11330 Clay Road, Ste. 350, Houston, Texas 77041, and with its registered agent for service of process being CT Corporation System, 1999 Bryan St. Ste 900, Dallas, Texas 75201.
3. Defendant Jose Montoya Perez is a resident of Texas. Defendant Montoya Perez's address for service of process is 4317 Lakeview Drive, Lake Worth, Texas 76135.
4. This Court has jurisdiction in the matter herein as provided by 28 USCA Section 1332(a)(1) by reason of complete diversity of citizenship between the parties and the claim for damages herein exceeds the sum of \$75,000.00.
5. Venue of the action herein is proper in the Western District of Texas, Pecos Division, under the provisions of 28 USCA Section 1391(b)(2) as the District and

Division where a substantial part of the events or omissions giving rise to the claim occurred.

6. This suit is the outgrowth of a motor vehicle accident which occurred on November 25, 2015 in Loving County, Texas at the intersection of Ranch Road 652 and County Road 300 between Plaintiff and a vehicle owned by the Defendant, Tesco Corporation, and operated by the Defendant Jose Montoya Perez. Ranch Road 652 is an east/west road, and County Road 300 is a north/south road. County Road 300 dead-ended at Ranch 652. The intersection where County Road 300 dead-ended into Ranch Road 652 had a stop sign with flashing red lights for traffic traveling north on County Road 300, and there were no stop signs for traffic traveling east/west on Ranch Road 652. On November 25, 2015, Plaintiff was driving westbound on Ranch Road 652, and Defendant Jose Montoya Perez was driving northbound on County Road 300. The crash occurred when Defendant Jose Montoya Perez ran the stop sign and collided with Plaintiff's vehicle. In the investigating officer's report, Defendant Montoya Perez admittedly, "did not see the red flashing stop sign at the end of county road 300." The investigating officer cited the contributing factors of the crash as Defendant Montoya Perez's disregarding a stop and go signal, failure to control speed, and failure to yield the right of way at a stop sign. Additionally, the investigating officer cited Defendant Montoya Perez for failure to stop at a stop sign. Further, the investigating officer did not assign Plaintiff with any contributing factors to the crash.
7. At all times material to this action, Defendant Jose Montoya Perez was acting within the course and scope of his employment with the Defendant Tesco

Corporation. As a result, Defendant Tesco Corporation is vicariously liable for the acts or omissions of Defendant Montoya Perez.

8. The accident and Plaintiff's resulting damages were directly and proximately caused by the negligent, careless, reckless and/or wanton acts or omissions of the Defendants.
9. As a direct and proximate result of the collision and the tortious acts or omissions of Defendants, the Plaintiff sustained severe, permanent and disabling personal injuries; she suffered and will continue to suffer great pain and anguish of body and mind, including loss of enjoyment of life; she has been and will be prevented from attending to her occupation, affairs and duties and has sustained a loss of earning capacity; she has incurred and will incur expenses for medical care, treatment and services, all to her damage in such amounts that will be determined by the fact finders in this case.
10. Trial by Jury is demanded.

WHEREFORE, Plaintiff demands Judgment against Defendants for damages in such amounts allowed by law and as determined by the fact finders in this case; and costs of this action.

/s/ Mark Stout
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